REMARKS

The foregoing amendment is submitted to address the technical objections to the specification and claims set forth in the Office Action. In this regard, Applicants have amended the specification to include priority information of the parent application which is now abandoned. With regard to the claim objections set forth in paragraph 2 of the Office Action, claims 12 and 17 have been amended as requested.

Claim 12 has been rejected as indefinite for the reasons presented in paragraph 4 of the Office Action. Applicants have amended claim 12 to provide that there are different encoded patterns employed in the game data region and in the non-game data region, as disclosed, for example, in the specification beginning at page 16, line 11. Entry of the amendment to claim 12 is therefore deemed proper and is respectfully requested.

Claims 1 and claim 29 have been amended to provide reference to a play area which comprises the encoded game data portion including a base layer and a second layer. Reference is made to page 12, beginning at line 6 to show that the play area contains an encoded game data portion. The encoded game data portion which is where the lottery game is played includes a base layer and a second layer together defining a game data region and a non-game data region which is the area

in immediate proximity to the game data as described at page 12, lines 12-17. The play area is identified in Figure 1 by the numeral 14.

5   It is therefore submitted that the amendments made to claims 1 and 29 are fully supported in the application as filed and entry thereof is deemed proper and is respectfully requested.

Claims 1-39 stand rejected as obvious over the combination of Royer (U.S. Patent No. 6,308,991) in view of Ehrhart et al. (U.S. Patent No. 6,419,157).

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Royer is stated to disclose a document comprising a substrate, an encoded game data portion (22) on the substrate, a non-game data region (24) and at least one scratch-off layer over the encoded game data portion.

15   Ehrhart et al. is stated to disclose methods for processing security documents comprising a game ticket (202-3-6) having an icon layer 226 and an outer layer 238 wherein the icon layer and outer layer have predetermined reflectance patterns under exposure to a specific narrow band of illumination. The Office Action concludes that it would have been obvious to one of ordinary skill in the art to modify

20   Royer's invention by providing the encoded game data portion with two different layers having two different reflectance values as taught by Erhart et al. to enhance the security of the document by deterring the possibility of forgery. The rejection is hereby traversed and reconsideration is respectfully requested.

Royer is directed to a printed document including a bar code authentication system. The bar code is printed beneath a scratch-off layer and includes all information necessary to authenticate the lottery ticket. Quite clearly, Royer does not disclose a play area having an encoded game data portion comprised of a base layer and a second layer as defined in claim 1 which is covered by a scratch-off layer.

Erhart et al. is principally directed to a method of processing security documents using an optical scanner as shown in Figure 1-1. The Office Action refers to the presence of an icon layer 226 and an outer layer 228. Each of these layers are provided with reflectance characteristics which are described at column 12, beginning at line 52. The reference provides that the outer layer 238 for each style of ticket has a first reflectance measurement when illuminated in the specific narrow band of light and the icon layer 226 has a second reflectance measurement when illuminated in the same narrow band. As observed in Figures 2-5 and 3-7, icon layer 226 lies below the scratch-off layer 211. However, outer layer 238 is part of the scratch-off layer and is therefore removed when the icon layer is exposed.

In the presently claimed invention, the play area includes an encoded game data portion which has a base layer printed with an ink having a first reflectance value as measured by the reflectance of a given wavelength of light and a second layer comprising an ink having a second reflectance value different than the reflectance value as measured by the reflectance of given wavelength of light. Thus,

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the present invention requires two different layers each with different reflectance characteristics beneath the scratch-off layer. To the contrary, Erhart et al. shows a system in which only one layer is beneath the scratch-off layer. This layer is icon layer 226. The outer layer which has a different reflectance value than the icon layer appears, for example, in Figures 2-5 as part of the scratch-off layer. This is a material difference between the claimed invention and that disclosed in the Erhart et al. reference.

As indicated at page 10, beginning at line 4 or the present application, region 16 contains a first system for combating fraudulent tampering of the lottery ticket. As indicated at page 10, line 10, the first region 16 includes at least one base layer with the claimed reflectance characteristics and a second layer 22 as described on page 11, beginning at line 3. Each of these layers and the different reflectance values characteristic of these layers are beneath the scratch-off layer 46 as shown in Figure 1.

The present invention may be provided with an optional second security system 60 which is shown in Figure 1 which lies above the scratch-off layer 46. This second, optional security system is independent of the principal security system which lies below the scratch-off layer and is comprised of a base layer and a second layer each having different reflectance characteristics.

As indicated above, Erhart et al. does not show an encoded game data portion with a base layer and a second layer with different reflectance characteristics
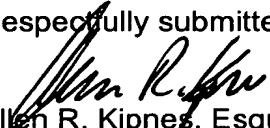
as required in the present claims. Only any icon layer 226 is shown below the scratch-off layer. Accordingly, Erhart et al. does not teach or suggest the presently claimed invention.

5   Royer does not cure the deficiencies of Erhart et al. The Royer system relates to a bar code and therefore does not rely on or employ different layers having different reflectance characteristics. To the contrary, a bar code is like a printed version of Morse code. Different bar and space patterns are used to represent different characters. Sets of these patterns are grouped together to form
10   symbiology. This is an entirely different system of authentication than the employment of different ink layers having different reflectance characteristics that are detected by an optical scanning device. It is therefore submitted that claims 1-39 are neither anticipated by or rendered obvious by Royer and Erhart et al. either alone or in combination.

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         It is believed that no fee is due in connection with the above-identified amendment. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

                                                    Respectfully submitted,

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Address All Correspondence to: Allen R. Kipnes, Esquire
Allen R. Kipnes, Esquire   Registration No. 28,433
WATOV & KIPNES, P.C.   Attorney for Applicant
25   P.O. Box 247
Princeton Junction, NJ 08550
(609) 243-0330

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